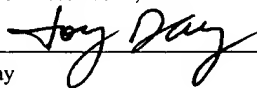


## CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on December 4, 2000.

Joy Day



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

DEC 18 2000

In the application of:

Terry B. Snutch and David L. Baillie

Serial No.: 09/346,794

Filing Date: July 2, 1999

For: NOVEL HUMAN CALCIUM  
CHANNELS AND RELATED PROBES,  
CELL LINES AND METHODS

Examiner: N. Basi

TECH CENTER 1600/2900

Group Art Unit: 1646

## RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated October 4, 2000, for which a response was set to expire November 3, 2000. A Petition for an Extension of Time of one month until December 3, 2000, is attached hereto along with the required fee. A change of address is also enclosed herewith. Restriction was required.

Applicants hereby provisionally elect to prosecute the invention of Group XVI associated with claim 21, which is directed to a screening method. This election is made with traverse.

Applicants are somewhat baffled by the restriction requirement. It appears to be a cross between restriction and an election of species. There is no basis for treating each nucleotide and

amino acid sequence as a separate invention; all are related by the property that they encode T-type calcium ion channels.

Applicants would be willing to elect a species of the heterologous  $\alpha_1$  subunit of mammalian T-type channel used in claim 1 as a starting part for search; however, applicants cannot understand the approach taken by the Office that each related sequence represents a separate invention.

Reconsideration of the restriction requirement is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 381092000720. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: December 4, 2000

By: 

Kawai Lau  
Registration No. 44,461  
for Kate H. Murashige  
Registration No. 29,959  
Morrison & Foerster LLP  
3811 Valley Centre Drive, Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 720-5112  
Facsimile: (858) 720-5125